

Court File Number: T-132-19

FEDERAL COURT OF CANADA



Pamela Palmer

FEDERAL COURT COUR FÉDÉRALE	
JAN 17 2019	
C. DE MONTIGNY	
OTTAWA, ON	1

Applicant

And

Attorney General of Canada

Respondent

STATEMENT OF CLAIM TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff.
The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court, **WITHIN 30 DAYS** after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Court Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

January 8, 2019

Issued by: _____
(Registry Officer)

C. DE MONTIGNY
REGISTRY OFFICER
AGENT DU GREFFE

Address of local office
90 Sparks St. Ottawa, ON, K1A 0H9

TO: Attorney General of Canada
Justice Building
239 Wellington St.
Ottawa, On, K1A 0H8

I HEREBY CERTIFY that the above document is a true copy of the original filed in the Court./

JE CERTIFIE que le document ci-dessus est une copie conforme à l'original déposé au dossier de la Cour fédérale.

Filing date
Date de dépôt

17-01-19

Dated
Fait le

C. DE MONTIGNY
REGISTRY OFFICER
AGENT DU GREFFE

CLAIM

The plaintiff claims:

1. The Claim is for \$50,000,000.00 for damages caused to Pamela Palmer due to breach of duty by the Federal Government to protect them from severe harm.

(In consecutively numbered paragraphs, set out each allegation of material fact relied on to substantiate the claim.)

2. Pamela Palmer, born July 5th, 1976, is the biological mother of Deja-Lienna Palmer-Campbell, born August 5th, 1993. Pamela and Deja-Lienna were born and raised in Canada and are Canadian citizens.

3. HISTORY OF CHILDREN'S AID SOCIETY

- I. Children's Aid Society was formed in 1891. At this time child protection was done by the Police under the Criminal Code of Canada. Child welfare, foster care etc was done by the CAS.
- II. Police powers were given to the Children Aids Society by the Ontario Government through the creation of the Prevention of Cruelty to and Better Protection of Children Act, 1893
- III. The Royal Commission on Public Welfare in 1930 initiated by Charlotte Whitton who made allegations of abuse and neglect of children including child trafficking by the CAS. The Commission sustained several allegations of neglect and abuse of wards of the CAS. However, her allegations of human trafficking within the Society was not sustained.
- IV. Youth in care of CAS end up on street or in jail. Here are some reports that show that the C.A.S has dismal outcomes for their youth from 2005-2011.

Youth in Care-How Well Do They Fare, Briefing Paper September 2005.
Modernizing Income Security for Working Age Adults (MISWAA) Project
Reference 1:

<http://www.stchrishouse.org/modules/ImageAV/lib/getImage.php?kold=15139>

In fact, not only are the outcomes of these children dismal, but also the involvement during adolescence places transition-age youth at increased risk for negative outcomes

<http://cwrp.ca/researchwatch/2283>

There is easily available research examining the outcome of youth aging out of care. One such research a study done by the Modernizing Income Security for Working Age Adults (MISWAA) Project.

This child welfare system research paints a disturbing picture. The findings show that, compared to their peers, youth aging out of care are more likely to:

1. leave school before completing their secondary education
2. become a parent at a young age
3. be dependent on social assistance
4. be unemployed or underemployed
5. be incarcerated/involved with the criminal justice system
6. experience homelessness
7. have mental health problems and
8. be at higher risk for substance abuse problems

The primary problem for this failure according to the research is that the youth did not get on going support, independence training, adequate financial support for the transition to be on their own, support in accessing education, employment and training programs.

- V. In 2006, the Ontario Auditor general released a report finding many discrepancies and negligence in following proper protocol. This report gave evidence the CAS was not fiscally responsible and it is responsible for many of the deaths that happen in the care of the CAS. Items found in this report:jm
- A. The requirement to visit a child in care every 90 days was not met in 60% of the cases reviewed, and the visits were an average of 19 days late. All Child Welfare Service providers are required by Ministry policy to report any serious occurrences involving children in their care to the Ministry within 24 hours of the incident, with a written follow- up within seven days of the occurrence detailing corrective action taken. Examples of serious occurrences that would require this reporting are:
1. death, serious injury, or allegations of mistreatment of a child in care;
 2. complaints made by or about a client that are considered serious in nature;
 3. disasters such as fire on the premises where a service is provided; and
 4. situations where a client is missing.
- "We examined the Serious Occurrence reporting process at the Societies we visited and found that 75% of the files we reviewed were not in compliance with the required Ministry policy and procedures. Issues included failure to meet timing requirements and a lack of documentation on the follow-up action taken as a result of the incident."
- VI. On December 15, 2009, the Ontario Coroner released a 2,396 page report which exposed "systemic failures, insensitivity to complaints, (and a) reluctance to act" by the Children's Aid Society and other agencies.
- VII. June, 2011, Andre Marin, the Ontario Ombudsman stated his office had received 500 complaints per year in regard to the CAS, which he could not help with because he had no jurisdiction.
- VIII. January 9th, 2013 Irwin Elman the Child and Youth Advocate stated that "After an inquest, any agency subject to a recommendation is given a year by the coroner to act. Of the 1,635 recommendations made since 1995, only 17 per cent had been implemented. Another 24 per cent were listed as "had or will be implemented." Irwin has spent all of these years doing nothing but recording CAS's negligence in implementing these critical changes to prevent death. This demonstrates that there is no oversight of the agency not even the Coroner or the Advocate or the Ombudsman can compel them to implement these critical recommendations. These recommendations were made to the CAS by the

Coroner to prevent death. Clearly, there is no will within the CAS to protect children from serious injuries or death while in their custody.

- IX. The Cornwall Public Inquiry investigated the allegations that children in the custody of the CAS were being sexually trafficked amongst a pedophile ring. The Inquiry issued a report Dec. 15, 2009 and came back with an "inconclusive" verdict regarding CAS involvement in child trafficking.
- X. September 2018 The Ontario Coroner released a scathing report in regards to the CAS and confirmed children in their care experienced severe negligence and abuse including sexual trafficking.

DEJA BEFORE SOCIETY APPREHENSION

- 4. When Deja was with me before she was apprehended by the Society she was a very social child who loved interacting with everyone she met. Deja made friends easily wherever we would go. She had support of my friends and family, my mother in particular but also from my father and other aunts, uncles and cousins. She was not afraid to speak to anyone around us when we were out at the park or on public transportation. She would often crack jokes in a way to engage with others around us in laughter. As a baby, about six months of age, Deja showed signs that I cannot describe as anything else but a sponge - a quick learner. She not only soaked up everything around her but communicated it. We developed our own simple sign language and until the time Deja could speak- she did not have to cry for me to understand her because she had no problems asking me for things she wanted or even asking me to go places. One example, when Deja was one and a half years old, she had learned the entire alphabet in sign language and she could sing it. Deja was not saying sentences yet, but she knew her alphabet and I would play games and pretend to skip a letter - Deja would stop me and tell me the letter and give me a big smile to continue. Deja astounded me at every turn. She is also the most selfless being I have ever met. From when she was very little, she always gave and offered whatever she had to others and never looked for recognition of her selfless acts. When I say truly selfless - I mean it. During one of our outings we went to a Blue Jays baseball game. Deja had \$10 saved up and asked me to bring it for her. She could spend it on whatever she wanted. I bought our food and drinks of course and we walked around the Skydome, watched the game and cheered on the Blue Jays. They won that particular game and the atmosphere was so happy and fun! As we walked back to the subway with the crowd of fans, we passed through a set of doors to get on the Sky Bridge that leads to the subway. A man was holding the two doors open for the fans and cheering on the Blue Jays. You could tell by looking at the man, he didn't get to attend the game and didn't have a home he was heading back to. As soon as we passed through the door, Deja stopped me and asked for her \$10. I handed it to her and she ran to the man and gave him the \$10 and he gave her a High 5. Then Deja ran back to me saying "ok, let's go." She went right back to enjoying the atmosphere and all the cheering fans.

She did not seek approval or kudos from me for giving the man her money. No "look what I did, Mom!". She always did what she could where she could and went on. She never ever wished that she could get back whatever she gave, or take back anything she had ever given away. If she forgot she gave an item to a friend and asked if I knew it where it was, I would remind her "I think you gave that one to Patrick" and her response was always "Oh that's right!" or "No, it was so and so." and go back to what she was doing. Deja has always been creative and artistically talented. In junior kindergarten, the teacher called me in for a meeting in regards to Deja's report card. I went in and the teacher and her assistant told me they asked the children to draw a self portrait of themselves on the first page of the report. The teachers flipped through a bunch of pictures, all pretty much the same... scribbles of colour in different spots of the pages. They were demonstrating the level of detail normal for Deja's age. Yellow scribbles in the corner - meant a sun. The scribble in the middle was the self portrait of the child, the scribble above it was a cloud... Then she stopped and put my daughter's down. There is a yellow identifiable sun in the corner. As close to a circle as she could get. With yellow lines showing the rays. On the ground there is a child with curly hair on a head with a face, eyes, nose, mouth, ears, a neck, a body, separate arms, legs, feet with fingers and toes and even a belly button. I believe she also coloured grass and drew a tree. It will be filed as evidence, so you will see it for yourself. She was the only one in the class and the only one they had ever seen render such detail in their picture at that grade level. My daughter learned to read during that first year in school in junior kindergarten. There was a teachers strike during the winter of 1997 and my daughter and I helped the teachers by bringing them coffee and donuts, hot chocolate, sandwiches etc. I was involved with the Parent committee and we all had shifts assigned to ensure the teachers had things available. Deja had a LOT of fun visiting her teachers during the strike on the picket line and asking them if she could get them anything. At home, she would ask me regularly if it was our turn yet to take care of the teachers. During the strike, we read a lot of books together for her book club list, as she loved hearing and telling stories. Deja started reading on her own, at age 4 before the end of the weeks long teachers strike. In grade 2, her Ontario school record shows that Deja was sent off to do her own individual project on the "Paleontologists and their importance in our society". The other children were learning about Dinosaurs. Deja already knew all the names, what they ate, etc. and knew how to spell them. The teacher identified Deja as being ahead so she assigned Deja this project and Deja also presented it when it was completed. Deja's love of anime showed early on. She loved watching Sailor Moon with me and, during that time, it was on three or four times a day. Since Deja could read the television schedule she taught herself how to tell the time to ensure we didn't miss an episode. Today, my daughter is fluent in Japanese. A language she learned to speak in two months, online, while in my care. Deja was an extroverted, exceptional student, very confident, and kind who I felt blessed to have. I was obligated by love and respect to her being and to do

everything in my power to help her be whatever she wanted to be. She was fully capable and so willing.

PAMELA BEFORE APPREHENSION

5. I was a young, strong, resourceful mother who many times had proven with little opportunities, I could capitalize on them and build them into things like no other had. I was full of passion and fire, with a deep sense of justice and injustice. I always helped anyone I could, even when I needed helping myself. I guess in a way it made me stronger to know even though when I had nothing for myself, I could still manage to find help for another. It made me hopeful. I am very independent, yet still understand I am interdependent with my community, and have always been mindful and respectful of that understanding. I love openly and freely without fear. I didn't judge others, as I didn't like to be judged. I always ensured, no matter what my dating status may have been, Deja and our home, was our home. We were always together, happy, safe and enjoying our life. I was a street kid between the ages of 14 and 16. When I was on the streets, I didn't do any drugs even though the environment was saturated with them. I left the streets without any addiction to alcohol or any hard drugs. Even though I had no income, I survived without resorting to any crime including prostitution. I spent most of my days at the library where I could leave the last of my possessions safe behind the librarians counter and I got lost in every book I could. To eat, I would visit ma and pa restaurants and clean for food. For shelter, I would try and get into shelters that would take underage kids, sleepover at friends houses, spend the night at coffee shops or find doorways and rooftops I could access where they had air vents for heat. My time on the streets really taught and reinforced my ability to seek out and find resources and utilize them to the best of my ability and not to settle. I knew it was better on the street than in my home because here, I could always figure it out. I did try to get help from CAS once before I turned 16, but that was worse than the streets. It was made clear to me that they were not concerned about my interests. They talked down to me, they invaded my privacy, stole my belongings and insulted me consistently. They would say to me you are here because no one cares about you. They called me a thief if I had an item that I did not have a receipt for and they would steal it. I felt extremely dehumanized. So I left and hid at a friends house til I turned 16. My daughter was born when I was 17, I had been off the streets just before I became pregnant. Deja's biological father was physically abusive. I left the relationship with him within the 5th month, after Deja was born. One night in January of 1994, he attacked me and he was charged with multiple charges which resulted in him being sentenced to 4 years in Kingston penitentiary for assault causing bodily harm. I was 17 at the time of the offence, but his actions did not debilitate me. Yes, I was young but I was determined and dedicated to ensuring Deja had everything she needed. I filed in family court for full custody of Deja. I was awarded full custody, no access, no child support due

to the danger and they upheld the no contact order from the criminal courts. Deja was only 6 months old at the time of the attack, and I raised her solely from then on and happily. I would not have traded a moment of it for anything! Deja was the first human being in my life I had ever had a natural connection with, and the day she was born was the most life changing event I had ever experienced. I know most people say that, but for me it really was true. She was the first person I had ever felt that natural connection with and it truly changed my life. I was adopted at 5 days of age and grew up not knowing that connection was a natural thing. She was so precious to me and the most important being and I really did everything in my power to ensure she had everything she needed. I was on Mothers allowance during the first portion of her life. I also became a licensed exotic dancer, in order to ensure I would be able to provide for my daughter's needs. I enjoyed the schedule flexibility dancing gave me, and it allowed me to have ample time with my little girl during the first part of her life. I was with Deja from the moment she woke up, and left for work shortly after dinner. Even when she started school, I was able to go on class excursions, because I wasn't scheduled til the evening. Knowing dancing wasn't my life I was meant for, I gave myself 3 years with a license, so I could be with Deja as she grew. When the Ontario Government announced employment support programs for mothers on Ontario Works, I jumped at the opportunity to get training because now that Deja was growing, I wanted to change my career. I took a 6 week women's employment development program when Deja was 4 years old. It was amazing. In class, we had every type of testing done from aptitude, interests AND educational level testing. The testing scored me all post secondary, even though I had only been able to finish grade 9. It was a huge confidence booster and I knew, I could do more than people would think. They taught us how to research the job market, education courses that could help lead to those jobs, interview training and CV writing. While in that Ontario works program, I found a call center training program for Youth at Risk that guaranteed a full time job upon graduation and I went directly for it. The course was being offered by Goodwill Toronto. Over 200 kids applied for the program that had an intensive assessments and interviews to qualify and I was one of 14 youth at risk that got accepted that year. My full time job placement was with the Royal Bank of Canada. I went to my worker with Ontario Works with the news and was told I cannot participate in that program because it wasn't a program offered by Ontario Works. I went on a battle to not only get the approval, but the daycare needed so I could attend this course full time. I won with Ontario works, and then with the daycare, but could NOT find a single spot in any of the 50+ subsidized daycare centers in Toronto. My resourcefulness, dedication to be better for my daughter and to not miss this amazing opportunity, I landed on the third page of the Toronto star after every attempt I made, turned up empty. A call to the Ontario Association for Better Childcare, saved me at that final hour by connecting me to Laurie Monsebraaten 3 days before I had to start the training. A mother at my daughter's school saw the article and volunteered. I completed my program, gained full time employment with the Royal bank, moved back in with my parents

in order to resettle closer to work and while at the bank I won every award they had to give - some of them a few times over. I was elected to the board of directors of the women's center I first mentioned, and became a Youth at Risk ambassador for Goodwill who asked me to speak at numerous public forums and conventions to help the program grow and expand with more employer partners. During and after the Royal bank, I was a Mortgage broker and then left Toronto and went to California for 4 months, for training. My daughter was now 9 years old when we returned. 2 months after we returned, my mother passed away. My daughter and my mother were very close and her passing was very hard on Deja. I again, used my resourcefulness and reached out to help my daughter, the same way I knew to help myself. We worked with the school social worker, who was a wonderful woman, and did what we could to help Deja. I proactively called the school before classes began in September and was told to try and get her tested for gifted school as they felt getting Deja into a proper class that could meet her educational needs would be best for her. I contacted everyone I could think of. My family doctor, public health, an organization called ABC for gifted children, to name a few I started calling psychologists out of the phone book to see if anyone could do the test but allow me to make payments as none of them could point me into the direction of getting the test covered for my daughter. The cost was 6,000 to 15,000 dollars and I did not have that large amount of funds available. I finally called 311, Toronto information line, I didn't know who else to call, and they told me to contact the "CAS. They have those people on staff and they do that testing all the time."

PAMELA AND DEJA DURING APPREHENSION

6. Deja Palmer was born a gifted child. When she was eventually tested by the Toronto School Board, she scored 98th percentile on her psycho-education assessment which was completed January 27th, 2006. She was then placed into a school for gifted children by the Toronto district School board.
7. In 2003, Pelmo Park Public School asked me to get Deja tested because she is gifted. She was demonstrating signs of boredom and complaining about classes being boring. They were not able to do the testing themselves because the psychological department that did this testing was on strike.
8. I tried to get Deja tested outside the school but I was unable to afford private testing.
9. 311 information centre in Toronto advised me that I could get this testing done by the CAS of Toronto.
10. I phoned the CAS's main phone line to ask if they had this service available for my daughter. They took my information and said someone would get back to me.
11. The following day, two workers appeared at my house and were aggressive in their tone and body language. They were demanding entry to my house. I didn't let them in and called the CAS to complain and was transferred to a manager. After speaking with her for a short time, she told me an accident had been made. Apparently, I had called the investigations report line and made a report about myself. She said that I was perfectly capable of advocating and seeking

supports for my child, and what I needed was a "family support worker". I agreed, because I believed a Family Support Worker, would be the appropriate title of a social worker capable of helping my child obtain the resources she would greatly benefit from. I was told it would take two weeks to get my file placed with a family support worker, and my file would then be moved from the investigation team. I spoke to this manager about our family working with the school social worker. I explained how I was following all of the school social workers recommendations for services for my daughter, Deja, which included looking for bereavement counseling due to the recent passing of her grandmother. The manager insisted they could help secure bereavement and other supports for my daughter if she transferred my file to a family support worker.

12. No family support worker nor any other members of the CAS came to my home within two months nor did they reach out to any of the people my family was actively working with.
13. The family support worker, Diana Stucchi, came November 10, 2003, without warrant. Diana had tried to arrange a meeting with me on this date, and I requested November 12th, as the 10th was my mother's birthday and the 11th was Remembrance day. I explained Deja was staying home for my mom's Birthday, as instructed by the social worker at the school and Deja had a school assembly on the 11th and I was attending. When Diana showed up anyway on the 10th, she was aggressive, rude, condescending, unreasonable, insensitive to the situation and the family grief. I was not read my rights at any point notifying me I needed a lawyer, (*Section 10(B) Charter Rights of Freedoms, 1982*) and I refused to let them in. Deja spoke to them on the front door step of the house and they left. Because Deja was present, I did not express my concerns about their behavior and even agreed to allow them to speak to Deja. I wrote and email to discuss it with her directly. (*Sections 8, 10, 11(A) Charter of Rights and Freedoms, 1982*)
14. I wrote an email to Diana, as to not discuss it in front of my daughter, expressing my frustration, anger, and disbelief in her lack of professionalism. I stated I had asked the CAS for help over 2 months ago and if this was what they considered help, I would find help elsewhere.
15. The following day, November 11th, 2003 Diana Stucchi, Family Support Worker, went to Deja's school, interviewed her without informing me ahead of time, and apprehended her against her will, without a warrant, without informing me of their intention to apprehend Deja until after they apprehended her. They kept Deja detained against her will and against my wishes. These actions of the CAS where a violation of (*Sections 7, 8, 9, 10, 11, 12, 15 Charter Rights and Freedoms, 1982*).
16. CAS is a private corporation which operates under Provincial regulations. IIThe CAS was using police powers including use of force without according any of the legal rights contained in the Charter of Rights and Freedoms which Justice Timothy Minemmma deemed unconstitutional on January 3rd, 2019.

17. After the apprehension I learned that they had conducted an investigation without any knowledge and yet failed to contact anyone who was connected to or was actively working with us and made the decision to apprehend with no evidence of neglect, abuse or any other crime. (*Sections 10(C), 11(A) Charter of Rights and Freedoms, 1982*)
 18. We went to family court at the five (5) day mark. The CAS submitted a large affidavit, in bad faith, which contained no evidence of abuse nor neglect or even clear allegations. (*Sections 10(C), 11(A) Charter of rights and Freedoms, 1982*) The 3 main reasons she stated for the apprehension were; 1. Past history with the CAS, which at least half of their history, I was completely unaware of and ALL of it stated "protection concerns unverified, closed at intake". (*Section 11(G), 11(H) Charter of Rights and Freedoms, 1982*) 2. I was a flight risk because I had gone to North Bay, Ontario twice, looking at apartments and everyone who knew me, knew I was looking at potentially moving to North Bay. (*Section 6 Charter Rights and Freedoms, 1982*) 3. Vague allegations with incorrect information about my past. (*Section 9, 10(A), 11(A) Charter of rights and Freedoms, 1982*)
 19. Before we went into court the CAS made me an offer to return my child. I wanted a trial, or at least what I knew a trial should be. They said that it would take more than a year to get a trial and to win to regain custody is a 1 in 50 chance. I am still uncertain from where they derived these odds as I was certain that nothing occurred that would jeopardize my chances of being reunited with her, especially given my history and my willingness to go above and beyond to ensure Deja was protected, provided for and cared for. The home we resided in was safe and clean and comfortable. Deja had her own room. I was home at the time, almost all times and my internet use was mainly in the evening while she was asleep. The CAS, however, offered a deal to return my daughter under three conditions:
 - a) I move into one-bedroom basement apartment or subsidized housing.
 - b) receive counselling because the CAS had "diagnosed" me as having : "no self- confidence, no self-esteem, powerless and helpless, [and] she cannot defend herself or her child against the world."
 - c) that I watch my internet use.
- They repeatedly stated they were going to return my daughter as soon as I met these conditions. The only other option, they said, was they would keep my daughter in a foster home until the completion of a trial which they claimed would take over a year.
20. Under extreme duress, I agreed to the offer in hopes of lessening the trauma done to my daughter, not knowing this offer was put forth under bad faith. (*Section 7 Charter of Rights and Freedoms, 1982*)
 21. I met all of the above conditions in a timely manner and they did not return her to me as promised. The agreement they had made with me in the courthouse was

- made in bad faith and this confirmed it. And therefore a denial of fundamental justice. (*Section 7 Charter of Rights and Freedoms, 1982*)
22. During the time I was completing my conditions, I told Diana that I was in care for 3 weeks as a teen and left it by choice. The CAS used this in subsequent affidavits as evidence my daughter needed protection from me. Evidence they use this against parents who were ever in care, see page 7 of this flyer which is paid for and distributed by the Provincial Government in the family court clinics; https://onefamilylaw.ca/wp-content/uploads/2017/11/FLEW_legal_EN_02.pdf
23. After the six month court hearing, Deja came back to me, under a supervision order, in a very traumatized condition. I asked them to follow through and provide the psycho-educational testing that they had agreed to do, and neglected to do while she was in their custody for 6 months. I now also wanted them to help me secure therapy for trauma caused by the apprehension and detainment of Deja.
24. The CAS did psycho-educational testing in June 2004 by Dr Olga Henderson who placed Deja at the 45 percentile and the CAS proceeded to state in court filed affidavits that I "was out of touch with my daughter's educational needs" and that I had "unrealistic expectations of Deja." The CAS immediately went to the school with the test results and had them treat my daughter as if she had severe intellectual deficits. At the time, they refused to even show the test results to me, even though they used the results against me in court for 5 more years, and for the remainder of my daughter's time while in their custody. (*Sections 7, 11(C), 11(D) Charter of Rights and Freedoms, 1982*)
25. The CAS refused any support or provide counseling for the trauma for their actions stating that was my issue to deal with on my own. I was unable to secure any trauma therapy for my daughter, because no one wanted to take on a client that was actively involved with the CAS, especially without the CAS's consent which they would not give. (*Sections 7, 15 Charter of Rights and Freedoms, 1982*)
26. They apprehended Deja a second time at 11 years of age under false allegations Police investigated and refused to arrest me even though I begged for it. I begged the police to bring this case into the criminal courts I was raised to respect and believe in because I knew I had done nothing wrong and I knew any charges of neglect or abuse could not be carried through that system because I had done nothing wrong. I was not arrested but the CAS did not return Deja to me (*Sections 9, 10(C) Charter of Rights and Freedoms, 1982*)- instead they detained Deja another 11 months. (*Section 7, 9, 15 Charter of Rights and Freedoms, 1982*)
27. During one of the hearings I asked Justice Marvin Zucker where is the evidence to prove I am an unfit mother? He replied that it is up to me to prove myself innocent, (*Section 11(D) Charter of Rights and Freedoms, 1982*) not for the CAS to prove my guilt. (*Sections 7, 9, 10, 11 Charter of Rights and Freedoms, 1982*) In other words, child protection had reverse onus. It completely shocked my conscious. How can I possibly defend myself in a situation of reverse onus with no clear charges, no clear allegations or any evidence? It made it impossible for

- me to prove myself innocent because I didn't know what I was being charged with. (*Sections 7, 9, 10, 11 Charter of Rights and Freedoms, 1982*)
28. The CAS called for a meeting fall 2005 and in attendance was the director of the North York office, the family worker, the child worker, a student worker taking notes, the foster mother, myself and my daughter Deja. In this meeting, The family support worker said to my daughter they were going for crown wardship. I asked immediately what her reasons for "risk of harm" were and she said they did not think of them yet. (*Sections 7, 9, 10, 12, 15 Charter of Rights and Freedoms, 1982*)
29. Next day I called for a meeting with my MPP Donna Cansfield for December 1, 2005. I played her the tape and brought her all my evidence in regards to my daughters psycho-educational testing and the fact the CAS was claiming my daughter was disabled and the school was refusing to retest her. Donna called the director of the North York office and complained that my child was in their care for no reason as evidenced by the tape. Two weeks later Deja was returned to me. My file was closed after a transfer and a "new worker" was assigned to close the case.
30. Due to the CAS interfering with the school for numerous years with regard to having her psycho-educational testing. Donna Cansfield instructed me to tell the school Principal that Donna agrees my daughter qualifies to be retested and gave me her card to give to the Principal. I did not know this at the time, but Donna was the Superintendent for our area school district, knew full well what the qualifications were and the Principal knew her well. The school did testing a few weeks into the New Year and the results are listed in paragraph 6. Deja was enrolled by the school into a gifted school and attended.
31. During the time I was fighting to regain and keep custody of Deja, I went to school, launched a small business, won Entrepreneur of the Year from a community organization. I tried hard to work on expanding my business as I felt it would best be able to provide for Deja and I, and provide us with stability. The day I won my award, I had to attend court to try again and prove I was fit. Justice Zucker snarfed at my evidence of my award and the award ceremony that was taking place later that same day. He stated that evidence shows nothing - that's for my own good, not my child's. (*Section 11(D) Charter of Rights and Freedoms*) He said I could stay on welfare and it would be the same. I honestly felt like that was all they wanted for me and my daughter. I was devastated because all of my attempts to prove I was fit and more than willing, went completely unnoticed or mocked by the court. My once high regard for the court had been completely crushed.
32. The worker who was assigned to close my case, is the same worker who also issued an apology letter to me dated November 14th, 2006. My daughter was present and wrote her own name on the letter.
33. A little less than a year later, we had moved on with our lives and I was engaged to a man John Montgomery from Homewood, Illinois and Deja and I were residing with him. We resided with John from May 2007 to Oct 2007. In October 2007, I went for a second medical examination in Toronto and John assumed

- temporary care of Deja, as he did before when I returned briefly for medical care from my doctor. We did this so Deja could attend school, as she wanted to. When I was in Toronto the FBI contacted me with questions about why I had left Deja with John. I said we are engaged, we reside with him and she goes to school from that residence.
34. At this time they had Deja and John in custody at the Homewood Illinois police station, and were investigating allegations made by the CAS that I had "sold my daughter to some man from the internet".
 35. The FBI concluded that the CAS allegations were unfounded and they said they were releasing her.
 36. I left Toronto immediately to return to Illinois but before I got there the CAS had engaged the support of Homeland Security and made a new claim that I now had a history of "abandoning Deja with strange men from the internet."
 37. I was not able to take custody of Deja as the FBI had told me I could because the CAS was having her returned to Canada to be in their custody by Homeland Security who at no point was involved in the FBI investigation or even in contact with the FBI for information in regards to their investigation. There is no record of a Homeland security investigation. The CAS arrived in the USA, waiving all of Deja's rights she had in the USA for example, an immigration hearing she qualified for before being removed from the country and returned her to Toronto with them by air travel. My daughter was trafficked across international borders without ANY criminal charges being laid against me.
 38. When I returned to defend myself against these false allegations, the CAS dropped their "case" and said they were only taking Deja into custody to check the suitability of the man I was engaged to marry. There was no current allegation against me. There is no authority for them to do this. My file was closed, there was no allegations against me or her. (*Sections 2, 6, 7 to 12, 15 Charter Rights of Freedoms, 1982*)
 39. This entire operation was undertaken even though my file with the CAS was closed. They had no authority to apprehend. There was no warrant, or allegations against me and no evidence brought forward against me. They had no grounds to do this. (*Sections 7-13 Charter of Rights and Freedoms, 1982*)
 40. After this apprehension, they did not return Deja to my custody, even though they confirmed in writing that I was not the one they were investigating. It was horrifically cruel and unusual punishment to again separate us completely, by force, placing Deja into yet another stranger's home, another school, totally different community, children, and neighborhood. (*Sections 2, 7, 8, 9, 10, 12, 15 Charter of Rights and Freedoms, 1982*)
 41. With no grounds and no evidence, the courts awarded the CAS crown wardship of my Daughter Deja-Lienna by summary judgement. (*Sections 7 - 12, 15 Charter of rights and Freedoms, 1982*)

DEJA AFTER SOCIETY APPREHENSION

42. Deja was severely traumatized by the apprehension and subsequent neglect and lack of supports and resources. There was no educational nor emotional support resulting in a huge decline in her school performance. Deja began showing serious signs of trauma which she never had while in by care before the first CAS apprehension. Deja subsequently started isolating herself at school and home when she was returned from the custody of the CAS without any supports such as counseling or therapy. As Deja's depression developed, she would refuse to shower - she wanted people to be physically repelled by her - so she wouldn't have to build connections with those around her only to be forced to lose them if and when she was taken away again and moved to a different placement. She refused to participate in class, she ate lunch alone, she wore hoodies every day and many days refused to take her hood down in class. It was so hard to get her into any extracurricular activities, she did not want to go out in public or see friends or family.
43. She did everything she could to not build connections, including with me, her own mother because of the trauma caused when they apprehended her and cut off contact with everyone. It was devastating because we were very close before the apprehension. After Deja went into the custody of the CAS, she became chronically depressed which advanced to self harm. Deja was constantly challenging the intentions of those around her. Because I could not get her back home she did not believe anyone truly cared about or wanted to be around her without some underlying motive or deception. She tried to force even those who loved her by challenging their devotion in the same way. It was beyond the normal levels for a pre-teen/teenager, because it wasn't about testing boundaries or limits it was due to trauma of being kidnapped and isolated and abandoned by the CAS. I tried desperately with multiple hospital visits, I begged for help from the CAS and yet they did nothing for 15 years. She demonstrated self-harm by cutting and now has scars from wrist to shoulder, inside and outside both of her arms, both thighs, on the sides of her torso, stomach, chest and throat. The self-mutilation and visible injuries were not assessed by the CAS or were not deemed to be serious by them. No help was given to Deja for this harm they had caused her. What kind of caretaker can ignore a child who is mutilating herself? She now has severe scarring that will never go away and she will wear those memories for life because they criminally neglected her emotional and mental health to this point.
44. A multitude of people can testify to her being a well-adjusted child and her school records will show how well-adjusted and academically productive she was as a student prior to the actions of the CAS. Even with her years of clinical depression from the trauma, Deja never acted out to hurt another. After the CAS gained crown wardship and just before Deja turned 16 years age, they took a depressed child and rather than getting her support, they took her from her family without any cause and put her in a group home with a culture and environment of drugs, sex, drinking, stealing, and fighting that Deja had no history of or previous exposure to. She did not get to enjoy normal teenage years as a result of the reckless and uncaring attitude and actions of the CAS. She was not previously

sexually active before being placed in the group home. She was coerced by her peers in the group home into becoming sexually active within months of being left to fend for herself in that environment in order to "fit in" and not be victimized for not being like them and for being a virgin. Deja reported to me the staff were constantly degrading to her and that they used the "group home meetings" to bully the children, humiliate and laugh at them. They would encourage the other kids to target whoever was the staffs' present target.

45. Deja was able to retain few life long friends that were male and female from previous to the CAS's interference but she refused to make new friends and had not even had a boyfriend up to this point. My daughter was forced to go from zero to 100 in under a couple of months and all her pleas to the CAS to move her back home or to a foster home were ignored. I do not believe one other child in that group was a virgin except Deja, many of those children having experienced homelessness and even being sex trafficked. This environment was completely outside of my daughter's life experience and she was completely traumatized all over again by being dropped right in the middle of this. My daughter has no criminal history and neither does her mother. She has never been in a physical fight- was never physically assaulted or had any history of assault yet she was placed with kids who were in and out of youth-offender detention and constantly returned to the group home by police. This environment was the polar opposite of what she was raised in and she did not have the coping skills to deal with the danger. This was a completely different environment and it shocked her deeply. She was not drinking or doing drugs at any point before the CAS took crown wardship of her and yet they placed her right smack in the middle of drugs and drinking- FORCING my daughter to have to fit in. My daughter disclosed to me, it was a choice between "do drugs and have sex or you have to break the law and fight" or she was the "enemy to the rest of the residents in the group home". My daughter turned to sex and heavy drug use to fit in, and then later, to self medicate and cope by "escaping". She said she did this because they were the only choices that did not involve hurting anyone else.
46. My daughter Deja had the same respect and regard for the court system as I did before the CAS apprehension and it was even confirmed in her psycho-educational assessment by the Toronto District School Board. Deja herself will be providing an affidavit about her experience before she went into the custody of the CAS and afterwards. Her affidavit will confirm that she felt comfortable and safe at home with her mother and that she loved her mother and liked school. After she was taken into custody by the CAS she began to resent school and for a time I was not close to her either. Deja was devastated when she was apprehended and was fiercely unhappy. She will also testify that she suffered from severe neglect and abuse which later lead her to self mutilation and wanting to be sterilized so she cannot have any children. Deja has always felt responsible for everything that happened with the CAS. She always felt there was something else she could have said, or done to make them stop. This experience has destroyed her self-esteem and her self-confidence. The CAS spent so much time destroying her education in order to prove their own bogus

psycho-educational report of her alleged low intelligence be true, when it in fact was profoundly false. Deja still suffers from extreme social anxiety and has not even completed high school.

47. Clearly, Deja was not properly cared for throughout her entire time with the CAS. She didn't receive any emotional support or treatment for her depression and self harm issues. The neglect was criminal and a flagrant ignorance of their fiduciary duty. They ignored all of her educational needs including her special educational needs, i.e. being a-gifted child particularly in math. They didn't even properly prepare her with any life skills - for example, learning how to drive before she aged out of the system, or give her any assistance with her transition "out of care" including job readiness training. Deja had the potential for a full university education but under the custody of the Children's Aid CAS- she didn't even complete high school. Deja still suffers from clinical depression due to lack of appropriate treatment and is chronically unemployed. The trauma caused to Deja is directly linked to the severe rights violations of (*Sections 2(B), 7-13, 15 of the Charter of Rights and Freedoms, 1982.*) Deja supports me fully in filing this claim, and is going to support me in this action to the best of her abilities. Deja supports this application fully and has assisted in preparation of these facts. As well she will provide an affidavit of her experience.

PAMELA AFTER APPREHENSION

48. Seeking extra help for a gifted child through the CAS turned out to be not only a tragic mistake but a horrific nightmare beyond comprehension. Their reckless and self-aggrandizing actions and outright lies destroyed our happy life together. I nearly died and my daughter turned to self-harm to deal with the pain of separation.
49. I felt completely powerless and in constant heart-wrenching pain to see my child suffering. All of my extraordinary efforts failed to save her. The time apart, the cold, heartless way the CAS handled our tiny amounts of precious time together via visitations, broke us down each time we were forced to part again. I felt isolated from society because of the stigma of my daughter being in the custody of the CAS, many thought that this meant I did something wrong. The CAS furthered this isolation by using their position to undermine me as a mother with the school and any professionals I tried to get help from, refusing services while they had my daughter in their custody to purposely presenting incorrect information and lies to service providers in regards to our history. After time, they even used their power to undermine my own daughter and I. That was easy for them to do though. They had all the power, and no matter what I did, in my daughter's eyes, I couldn't save her. I met their demands and was told it was not enough. I helplessly had to watch them do these manipulations. The CAS branded me as a neglectful, unfit mother making me feel even more humiliated and isolated. The final two years of my fight with them ended without a trial and my daughter being given to the CAS, I had the hardest time trying to leave my

house out of fear that IF I missed a call, I wouldn't be able to intervene and spare my daughter more trauma. It is the most horrific thing I've ever endured and I would not wish the pain, isolation, powerlessness, helplessness, fear, judgment, defenselessness, and the complete lack of security and privacy on anyone. The CAS splayed out my life, tore my achievements apart with lies and yet made sure my mouth was taped shut with gag legislation so I couldn't speak to anyone outside their walls.

50. I felt completely betrayed by the court system, and I still do. It was particularly hard for me because my Great Uncle and Deja's Godfather was a Justice of the Peace at Old City Hall in Toronto for more than 40 years. Justice Leo Marchand gave me extensive exposure to the courts and the way they are supposed to work. Due to his integrity, I came to highly regard and respect the court system. The entire atrocity that happened to me and my daughter in the Ontario Provincial Family Court, caused me to be unable to sleep, and eat. I was terrified to sleep because I was afraid of not waking up. The pain was so bad, I was afraid if I slept, I could end up dying of a broken heart. I am a strong and independent person. I have a will and always demonstrated it throughout my life. The stress caused by the court backing up these atrocities with zero regard to my rights destroyed my appetite and I was only able to eat once every 4 or 5 days. In the final year, my weight dropped to a mere 80 lbs. I was wasting away helplessly watching the CAS hurt my daughter over and over. At the time I had no suicidal ideation and I knew dying would be a huge burden and disservice to my daughter. However, I felt like I was dying - I still don't know how I kept surviving except for by my love for her. In hindsight, I can clearly see that I was shutting down and actually dying.
51. My daughter was trying to leave the group home she was in because she felt unsafe there. She made numerous calls to the Ontario Child Advocate's office and when they returned her calls, the group home did not allow Deja to speak with the Office nor did they ever pass on their messages to her. I also tried to advocate for Deja through the Office, knowing what was happening having had direct disclosure from her. However the Advocate's Office, under the direction of Irwin Elman, would no longer accept my calls because of his directive that children had to place the calls themselves. My daughter had already called numerous times, I was only trying to help amplify her voice and ensure she was being followed up on. Adding on the fact that the courts had awarded the CAS crown wardship to the CAS meant my statements had no influence nor could I get any acknowledgement that her safety was considered. The CAS was made aware of the calls coming into the group home from the Advocates Office and ignored her pleas. The Advocates office actually put my daughter in harm's way by calling and not following up. The Advocates office had tipped them off that Deja had called them, and their failure to follow up and ensure she was safe put her at great danger. The group home then started punishing Deja in other ways.. My daughter informed me that the group home staff was turning on her for placing the calls. They punished her by taking away privileges that were not actually privileges but her rights. It was a minimum security and minimum care

facility and my daughter had to learn to adapt and fit in to their environment quickly. She worried that something worse was in store for her. It was horrifying for her and me. The CAS confirmed to me they knew my daughter was TRYING to get out of her placement and they came to my home to inform me they knew Deja was going to try and flee the group home. They stated if I dared to open my door to my daughter they would arrest me and put me in jail because I am not her mother and they "own" her now. I was too weak to fight them at this point. I knew if my daughter came to my door I would have no moral choice but to open my door. With that understanding, I knew I would not be able to continue to fight for her effectively in my severely weakened condition, especially if I was put in jail. In order to try and recover from the trauma inflicted by the CAS, and the courts, I fled to Mexico two weeks after their threat of imprisoning me. This is at the moment in time when I lost complete faith in the court system entirely. I believed there was no possible way to receive any unbiased court decision in Canada. Throughout my ordeal with the CAS, the more I tried to fight to have my child returned and her educational need attended to, the more retaliation would be levied against me and Deja. For example, each time I went to court, I would raise the issue of her need for special education and following these court appearances, my visits would be cancelled arbitrarily. With Deja, they retaliate towards her by labeling her as developmentally disabled and refusing her gifted programs and instead put her in remedial classes. I was physically and emotionally unable to take any further litigation for fear of further retaliation against myself and Deja. From Mexico I knew that I would be free to speak publicly about what the CAS and courts were doing to us without threat of imprisonment and would be able to open my door to my own child without threat of imprisonment.

52. I have spent several years in counseling for the post traumatic stress disorder, stress, fear, stigma, and anxiety caused by my ordeal in Canada. I have also been working on the severe abandonment of the court system. My work in advocacy has also helped me regain my psychological and emotional strength that I had before my daughter was apprehended. My daughter being discharged fully in August of 2018 has also helped facilitate empowerment to take this action, knowing my daughter is safe from retaliation. From when I left Canada, I had a constant apprehension of bias by the Canadian court system due to all the arbitrary court decisions that we were both subjected to throughout the court process. The recent court ruling by the *Ontario Superior Court Bogaerts v Attorney General of Ontario*, that found private agency with policing power is unconstitutional. That decision has reestablished my confidence in the integrity of our court system.
53. My daughter was released fully by the CAS in August 5, 2018 at the age of 25. She is still suffering from the trauma inflicted upon her and requires intensive therapy so she can overcome the trauma and be the amazing person she has always shown she can be. How dare they rob a child of her future. She demonstrated clearly how extraordinary she is from an early age. All of the opportunities she was denied because of the reckless actions of the CAS and the

callousness of the Courts can never be restored. She proved she would benefit greatly if she had been provided for her basic rights such as proper educational and psychological support. She still deserves those opportunities.

54. At this time, I recognize clearly a shift in awareness of this horrific system. The systemic rights violations and the long term damage to individuals, families and that the CAS perpetuates. I recognize there is now political and public will to end this reign of CAS terror on innocent families. I am seeing some of the regard and integrity in the system in which I was raised to know of, for example, the Coroner of Ontario Panel Report released in September 2018 which confirmed the atrocious treatment of children in custody of the CAS including being trafficked for sex. Shortly after the Ontario Provincial Police arrested 122 pedophiles and said this is just the tip of the iceberg that there was pedophilia all across the province and beyond. The trauma caused to me is directly linked to the severe rights violations of (*Sections 2(B), 6, 7-13, 15 of the Charter of Rights and Freedoms, 1982*)
55. I want to see all the CAS' in Ontario closed down because of this unconstitutional policing power written into the Child, Youth and Family Services Act. I want to see child protection done by police which is clearly defined and intended by our Constitution and our Charter of Rights and Freedoms. Children like my daughter will be able to receive support and not instead be punished for needing them in a court that has zero regard for any of the parties charter or constitutional rights. I know this court has the power and jurisdiction to make this happen, and I know the Provincial Government has the will to end the illegal activities of the CAS. I believe in my heart the time is now.

PAMELA'S RIGHTS UNDER OUR CONSTITUTION

56. Under our constitution, had I neglected or abused my child, I would have been charged, by the police, who are regulated by the Federal Government of Canada under the Criminal Code of Canada. (*Section 91.27 Constitution Act of Canada, 1982*) I would have been served with a warrant that would have been granted provided there was clear evidence proving it was warranted. (*Sections 8, 10, 11 Charter of Rights and Freedoms, 1982*) I would have been served with this warrant, have my rights read to me, (*Sections 10 and 11(A) Charter of Rights and Freedoms, 1982*) which includes notification of right to counsel (*Section 10(B) Charter of Rights and Freedoms, 1982*) and my right to remain silent (*Sections 11(C), 13 Charter of Rights and Freedoms, 1982*) and been clearly told what the charges are and what the evidence is against me. (*Sections 8, 10, 11(A) Charter of Rights and Freedoms, 1982*) I would have had the right to a full defence and to have full disclosure so I could present a full defence in a court that is fully regulated by the Federal Government and administered by the Province. (*Section 91(27), 92(14) Constitution Act of Canada, 1982, Sections 11(B), 11(D) Charter of Rights and Freedoms, 1982*.) My evidence would have been fairly weighed, (*Section 11(D) Charter of Rights and Freedoms, 1982*) I would have had the right to speak publicly about the charges and my innocence. (*87(8) Child, Youth and Family services Act, 2017 violates Section 2(B), 2 (C), 2(D) Charter of*

Rights and Freedoms, 1982)) I would not have been pronounced guilty with no evidence or trial. (Sections 10(A), 11(A), 11(D) Charter of Rights and Freedoms, 1982) My guilt or innocence would have been decided upon based on evidence and beyond a reasonable doubt (Section 11(D) Charter of Rights and Freedoms, 1982) after a fair and open trial. (Section 11(D) Charter of Rights and Freedoms, 1982) I would have had a fair and open hearing, with the choice of either judge or jury trial. (Section 11(D) Charter of Rights and Freedoms, 1982) We would not have been inflicted to such cruel and unusual punishment such as being torn apart with no reasonable grounds. (Sections 7-13 Charter of Rights and Freedoms, 1982) I would not have been charged for a possible FUTURE crime that I MAY potentially commit. (Section 11(G) Charter of Rights and Freedoms, 1982) I would not have been constantly re-charged for the same offences and punished with no convictions. (Section 9 Charter of Rights and Freedoms, 1982) My child never would have been removed from me for neglect, abuse or any other crime if I had been accorded these constitutionally guaranteed legal rights. (Sections 2, 7 to 13 Charter of Rights and Freedoms, 1982)

DEJA'S UNDER OUR CONSTITUTION

57. Deja would not have been detained against her will, without having been charged under the Criminal code of Canada (*Section 91.27 Constitution Act of Canada, 1982*), (*Section 12 Charter of Rights and Freedoms, 1982*) Deja's voice would not have been silenced. (*87(8) Child, Youth and Family services Act, 2017 violates Section 2(B), 2 (C), 2(D) Charter of Rights and Freedoms, 1982*) Deja would have been treated equally (*Section 15 (1), 15 (2 Subsection 1 Charter of Rights and Freedoms, 1982*) and not been discriminated against based on age, (*Section 15 (1), 15(2 subsection 1 Charter of Rights and Freedoms, 1982)*). Deja would not have suffered severe trauma (*Section 7 Charter of Rights and Freedoms, 1982*) due to arbitrary detainment, where she experienced deprivation and abuse (*Section 9,10(c), 12 Charter of Rights and Freedoms*).

RIGHTS VIOLATIONS

58. Section 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. My child and I were not protected from harm. My child was apprehended under the Child and Family Services Act and none of the legal constitutional rights applied to my daughter or myself.
59. Arbitrariness: The apprehension was done without warrant or evidence. I submitted evidence, went above and beyond to satisfy the CAS and the court that I was a fit mother, yet the CAS kept refiling numerous affidavits against me disregarding my evidence and actions.

60. Vague: The allegations that were made were vague and without evidence. The CAS even stated in a meeting that they had not yet thought of exactly how I posed a risk of harm to my child. (*Section 72(4) Child, Youth and Family Services Act, 2017*) violates (*91(27) of the Constitution Act of Canada, 1982*) which in turn violates (*sections 7-13, 15 of the Charter of Rights and Freedoms, 1982*)
61. Overbreadth: Child protection is the exclusive jurisdiction of the Federal Government of Canada. The process which legally regards the constitution in these matters is the Criminal Code of Canada and the matters are to be adjudicated in a court that has the jurisdiction of *Parens patriae* and is regulated by Federal legislation. (*Section 91(27) of Constitution Act of Canada, 1982*)
62. The Ontario Family court is not a court of *Parens patriae* nor is it federally regulated and only provides limited opportunity to protect the child as they must act according to the constitutional division of powers and within their jurisdictional statutes which to date have only created processes that do not regard constitutional rights or federal regulations. *Section 91(27) of Constitution Act of Canada, 1982*
63. Shocks the conscience; Removing my child from her loving mother and giving her care and well-being to complete strangers in unsafe placements while isolating her from her family and community. Additionally, destabilizing her by moving her around to a multitude of unsafe placements without due process offends the common conscience.
64. Right to make full answer and defence: I was denied a trial and all of my arguments or evidence was either ignored or was not reasonably regarded by the court.
65. Section 8: Everyone has the right to be secure against unreasonable search and seizure. My daughter Deja was taken from school without warrant, without evidence or clear allegation of harm by me.
66. Section 9. Everyone has the right not to be arbitrarily detained or imprisoned. The entire experience I had with the CAS showed me that their decisions are not guided by fairness or reasonableness. I went to extraordinary lengths to prove my innocence and my willingness to cooperate with them. I provided substantial evidence to support my position but they either ignored it or did not reasonably regard any of it. Deja felt hopeful in the early months by watching how hard I was working on getting her back but fell into deep despair when my efforts failed. This despair later led to clinical depression and advanced eventually leading to her self mutilating, attempted suicide and desire to be sterilized.
67. Section 10. Everyone has the right on arrest or detention: There was no evidence provided to the court of any abuse or neglect yet the court still sided with the CAS. When I complained to Justice Zucker, there was no evidence he stated in court that it was up to me to prove that I was innocent. I was never clearly accused so I found it impossible to make a case in my defense. My daughter had been apprehended by force and detained against her will, even though she was never accused, even vaguely. All of Deja's legal rights from section 7 to 12 were violated, and her equality right, under section 15, based on her age.
68. Section 11: Any person charged with an offence has the right to:

- a. to be informed without unreasonable delay of the specific offence. To date, no such specific offence has been identified.
 - b. to be presumed innocent until proven guilty according to the law in a fair and public hearing by an independent and impartial tribunal. All the court proceedings were closed and no one from the public was allowed to attend. At no point was anyone allowed to stand beside me in a supportive role. In many instances, people who attended court were not even allowed in the courtroom for no reason which contravenes the rights to a fair and open trial.
 - c. I went through four different lawyers who all wouldn't follow my instructions to submit crucial evidence. I had to terminate working with them and file the evidence on my own. For example, they did not want to submit the new test results from the school psychological department showed Deja was in the 98th percentile, in contradiction to their report issued by some unknown source that showed her at the 45th percentile. It also contradicted their unsubstantiated allegations that I was out of touch with my daughters educational needs, photos, letters in support of my character, etc. I felt forced to self represent in order to get the truth filed in the courts.
 - d. Even though I was able to get most of the evidence filed into court myself, Justice Zucker still ignored it which resulted in the decision to allow the CAS custody resulting in horrific outcomes myself and my daughter has suffered. (*Section 11(D) Charter of Rights and Freedoms, 1982*)
69. Section 12: The right not to be subjected to any cruel and unusual treatment or punishment. For a mother it is extremely cruel to have your child arbitrarily taken from her care and placed with complete strangers. This is extremely traumatizing to myself and my daughter. My daughter instantly showed signs of the trauma caused by the loss of contact with her mother and her sense of personal security

Part V of Child, Youth and Family Services Act, 2017.

- 70. Sections 74(2) and 80-86 of the Child Youth and Family Services Act, 2017 pertain to the laying of criminal charges and apprehension of children which is a direct violation of 91.27 and are therefore unconstitutional.
- 71. Sections 87- 227 Pertain to hearings and those hearings are closed hearings where none of our charter of rights apply. These courts are operating in violation of (*Sections 91(26) and 91(27) Constitution Act of Canada, 1982*) and therefore are unconstitutional.

THREE CASE LAW REGARDING SECTION 91.27

72.1) Section 91(27) is by and large the broadest of the enumerated powers allocated to the federal government. As noted by Estey J. in *Scowby v. Glendinning*:

“ 11. ...The terms of s. 91(27) of the Constitution must be read as assigning to Parliament exclusive jurisdiction over criminal law in the widest sense of the term. Provincial legislation which in pith and substance falls inside the perimeter of that term broadly defined is *ultra vires*. Parliament's legislative jurisdiction properly founded on s. 91(27) may have a destructive force on encroaching legislation from provincial legislatures, but such is the nature of the allocation procedure in ss. 91 and 92 of the Constitution. Here we are not concerned with the result in law of the exercise by Parliament of one of its exclusive heads of jurisdiction. Indeed, the converse is the question: what, if anything, is the result in law of legislation by a province where it may be classified as essentially criminal in nature? Basic principles require the conclusion that such legislation is invalid, regardless of any perceived need for its substantive provisions, and regardless of perceived defects or gaps in the federal legislative plan...

III) http://en.wikipedia.org/wiki/Margarine_Reference

Rand J, outlined a test to determine if a law fell under the criminal law:

A crime is an act which the law, with appropriate penal sanctions, forbids; but as prohibitions are not enacted in a vacuum, we can properly look for some evil or injurious or undesirable effect upon the public against which the law is directed. That effect may be in relation to social, economic or political interests; and the legislature has had in mind to suppress the evil or the safeguard the interest threatened.^[10]

From this, two requirements must be met for a law to be criminal in nature:

1. the law must be a prohibition with a penal sanction; and
2. the law must be directed towards a public purpose.

Rand also listed a few objectives that would qualify as legitimate public purposes, namely "Public peace, order, security, health, morality."

III) *Bogaerts v. Attorney General of Ontario*, 2019 ONSC 41.

69. FROM THE DEPARTMENT OF JUSTICE WEBSITE ON PARENS PATRIAE

Department of Justice <https://justice.gc.ca/eng/rp-pr/other-autre/lrc-rje/p3.htm>

Parens patriae

Notably, not all courts have *parens patriae* jurisdiction. Only courts with inherent authority

of the Chancery Courts can exercise such jurisdiction. This necessarily includes judges of the superior courts, for example. Provincial courts and provincial appellate courts, as statutory courts, do not have inherent jurisdiction to use *parens patriae* power to act as parent for the child.

Footnote

164

Because of its role of protecting the vulnerable, there is no clearly defined limit to the exercise of *parens patriae* jurisdiction. The case most frequently referred to regarding this jurisdiction is the unanimous Supreme Court of Canada decision of *E. (Mrs.) v. Eve*,

Footnote

165 where the Court reviewed the history and application of *parens patriae* jurisdiction, explaining:

The *parens patriae* jurisdiction is, as I have said, founded on necessity, namely the need to act for the protection of those who cannot care for themselves. The courts have frequently stated that it is to be exercised in the “best interest” of the protected person, or again, for his or her “benefit” or “welfare”.

The situations under which it can be exercised are legion; the jurisdiction cannot be defined in that sense. As Lord MacDermott put it in *J. v. C.*, [1970] A.C. 668, at p. 703, the authorities are not consistent and there are many twists and turns, but they have inexorably “moved towards a broader discretion, under the impact of changing social conditions and the weight of opinion” In other words, the categories under which the jurisdiction can be exercised are never closed. Thus I agree with Latey J. in *Re X*, supra, at p. 699, that the jurisdiction is of a very broad nature, and that it can be invoked in such matters as custody, protection of property, health problems, religious upbringing and protection against harmful associations. This list, as he notes, is not exhaustive.

...

Though the scope or sphere of operation of the *parens patriae* jurisdiction may be unlimited, it by no means follows that the discretion to exercise it is unlimited. It must be exercised in accordance with its underlying principle. Simply put, the discretion is to do what is necessary for the protection of the person for whose benefit it is exercised ...

Footnote 166

164 N.A., Re, 2009 ABPC 305 at para 11; Jeffery Wilson. *Wilson on Children and the Law*. (Toronto: Butterworths, 1994) Looseleaf, 1.173.

165 [1986] 2 S.C.R. 388, [1986] S.C.J. No. 60.

166 *Ibid.*, paras. 73-74 and 77.

This case law demonstrates that courts have decided clearly that private agency cannot have police power because there is no transparency, accountability including the requirement to adhere to the Charter of Rights and Freedoms.

REMEDY

The Applicant is seeking \$50,000,000 for pain and suffering caused to Pamela Palmer and Deja-lienna Palmer by the Federal Government for failing to protect me pursuant to (section 91(27) of the Constitution Act of Canada, 1982).

Part V, of the Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14, Sched. 1 violates section 91(26), 91(27), 92(14) of Constitution Act Of Canada, 1982 and sections 2, 7-13, 15 of the Charter of Rights and Freedoms, Constitution Act of Canada 1982 and therefore pursuant to section 52(1) of the Constitution Act of Canada, 1982 has no force or effect of law.

Under the the authority of section 24(1) of the Constitution Act of Canada, 1982 this applicant is seeking a declaration from the courts to strike down *Part V of the Child, Youth and Family Services Act 2017, S.O. 2017, c. 14, Sched. 1* because it has no force or effect of law.

The applicant is seeking an order for the police to undertake a criminal investigation of the CAS and the Family Courts based on the findings of the Coroner's panel released September, 2018, that found children in the custody of the CAS are neglected, abused and sexually trafficked.

The applicant is seeking an order for a national, independent, public inquiry into every apprehension that took place under the provincially regulated and administered Family Courts. This inquiry needs to ascertain and respond to the current needs of each child that was apprehended, and the needs of their families. Where neglect and abuse is found the inquiry needs to ascertain whether or not the agencies neglect and abuse was intentional or unintentional. And if it was intentional was it to destabilize the children to maximize profits. This inquiry needs to investigate all reports made to both Child Advocates offices and Provincial Ombudsman offices to assure their investigation is thorough. This inquiry panel needs to be given subpoena power and the authority and obligation to turn the results over to the public.

To ensure children in the future children are properly provided and cared for, the applicant is seeking an order for federal legislation establishing national standards to hold the child welfare system accountable for negative outcomes when they fail to provide required and sufficient services and supports for them as children while in care.

A constitutional question associated with this claim will be filed in Federal Court shortly.

All of which is respectfully submitted to the Court in the name of the Goddess and God.

The plaintiff proposes that this action be tried at Ottawa, Ontario.

January 17, 2018

A handwritten signature in cursive script, appearing to read "Pamela Palmer", is written over a horizontal line.

(Signature of solicitor or plaintiff)

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